

REMARKS

Claims 1-13 are pending in the application. By this Amendment, the specification and claim 10 are amended. The Abstract of the Disclosure is replaced with a new Abstract. The amendments do not introduce new matter as they are directed only to formal matters to place the application in condition for allowance.

The Examiner has indicated that Applicant has not complied with the requirements of MPEP 1895 and that Applicant needs to show (1) appropriate reference to the prior PCT application, (2) copendency of the U.S. national application to the prior PCT application, and that there is (3) at least one common inventor between the U.S. national application and the prior PCT application. More specifically, the Examiner requires Applicant to submit sufficient "evidence" to meet the requirements of MPEP 1895. Applicant hereby submits copies of the prior PCT application to prove that neither the international application nor the designation of the United States was withdrawn or considered to be withdrawn prior to the filing date of the U.S. national application. The evidence will further show Applicant's request for Applicant's foreign associate to file a demand electing the U.S. within 19 months from the priority date. It should be noted that filings during the international phase were done by Applicant's foreign associate in Ireland as can be seen in the copies of the correspondence. As a result of the above, a Written Opinion and the International Preliminary Examination Report were generated, a copy of the latter is hereby submitted. Accordingly, Applicant respectfully submits that Applicant has complied with the requirements of MPEP 1895 by submitting copies of:

- (1) PCT Request filed July 28, 2000;

Docket No.: AUS-2136-AL

- (2) Notification of International Application Number and of the International Filing Date mailed August 4, 2000;
- (3) Applicant's facsimile letter to foreign associate requesting filing a Chapter II demand dated December 4, 2000;
- (4) Foreign associate's letter confirming filing of the Chapter II demand dated December 22, 2000;
- (5) PCT international publication showing the U.S. as a designated state dated February 8, 2001;
- (6) International Search Report mailed March 12, 2001; and
- (7) International Preliminary Examination Report mailed November 16, 2001.

The Examiner has acknowledged Applicant's claim for foreign priority based on applications filed in Ireland but has indicated that Applicant has not filed certified copies of these applications as required by 35 U.S.C. 119(b). Applicant hereby submits certified copies of Irish Patent Application No. S1999/0660, now granted Irish Patent Application No. S81897, filed July 30, 1999, entitled "A Surgical Device," and Irish Patent Application No. 1999/0795, filed September 24, 1999, entitled "Hand Access Port Device."

The Examiner has indicated that a listing of references in the specification is not a proper information disclosure statement. Applicant hereby submits a proper list of references in the attached Information Disclosure Statement Form PTO-1449.

The specification and abstract of the disclosure were objected to because of informalities. Applicant has amended the specification and has replaced the abstract of the disclosure with a new abstract to correct the informalities.

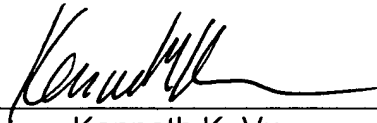
Docket No.: AUS-2136-AL

Claims 10-13 are objected to as being in improper form because a multiple claim cannot depend on another multiple dependent claim. Claim 10 has been amended to overcome this objection.

Applicant respectfully requests reconsideration of the application in view of the above amendment and respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

APPLIED MEDICAL RESOURCES

BY 
Kenneth K. Vu
Reg. No. 46,323
(949) 713-8605

Date: April 12, 2004